

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL ACTION NO. 1:07CV96

UNITED STATES OF AMERICA,

Plaintiff,

v.

**\$28,889.00 AND \$21,232.00 AND
\$15,113.00 AND \$6,174.00 UNITED
STATES CURRENCY,**

Defendants.

CONSENT ORDER FOR STAY

THIS MATTER is before the Court on a request by the United States and Henderson Amusement, Inc., that this civil forfeiture case be stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) pending resolution of a criminal investigation.

THE COURT FINDS THAT:

1. In response to a notice of seizure and administrative forfeiture, Henderson Amusement, Inc., through counsel, submitted a Claim of Ownership dated December 14, 2006 to the United States Department of Justice, Federal Bureau of Investigation. The administrative claim asserts an interest in the defendant \$28,889.00 and \$21,232.00 and \$15,113.00 and \$6,174.00 which was seized by the Federal Bureau of Investigation on or about September 28, 2006.

2. On or about December 28, 2006, the Federal Bureau of Investigation accepted the claim and referred the matter to the United States Attorney's office for consideration.

3. Pursuant to 18 U.S.C. §§ 981 and 983, the United States filed a complaint for forfeiture *in rem* against the defendant properties on April 4, 2007.

4. On April 4, 2007, the Court issued a warrant for arrest *in rem* of the defendant properties.

5. Henderson Amusement, Inc., has asserted a property interest in the defendant property and intends to file a claim and answer to the complaint.

6. The government has informed counsel to Henderson Amusement, Inc. that a related criminal investigation is pending.

7. The government and Henderson Amusement, Inc., agree that a stay of this case at this point will avoid both interference with the government's investigation and prejudice to the Fifth Amendment rights of any individual claimants of Henderson Amusement, Inc.

8. The government and Henderson Amusement, Inc., have agreed that a stay at this point should be without prejudice to Henderson Amusement, Inc.'s, right to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted.

9. This Order shall not affect the Warrant for Arrest *in rem* previously issued in this case.

IT IS, THEREFORE, ORDERED that, upon consent of the United States and Henderson Amusement, Inc., this case is hereby **STAYED** until further order of this Court.

Signed: April 26, 2007



Lacy H. Thornburg
United States District Judge



ON MOTION AND BY CONSENT OF THE PARTIES,

THIS THE 26TH DAY OF APRIL, 2007:

GRETCHEN C. F. SHAPPERT
UNITED STATES ATTORNEY

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